IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 119 OF 2005

Sambhunath Rajbali Tiwari ...Petitioner

Versus

The State of Maharashtra ...Respondent

.....

Mr. Ditendra Mishra, counsel for Petitioner

Mr. D.A. Patil, A.G.P. for Respondent.

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CORAM: B. H. MARLAPALLE, J.

DATED: 26TH APRIL, 2005

P. C.:-

1. Writ Petition No. 6212 of 2003 was decided by the Division Bench of this Court on 24.9.2003. While dismissing the petition, the undertaking of Power of Attorney holder of the builder Mr. Kanhaiyalal Gupta who was present in the Court, was recorded to the effect that the builder to allot to the eligible slum dwellers alternative accommodation in the new building within eight months from the date of the removal of the hutments. This order was challenged before the Apex Court in S.L.P. (Civil) No. 19782-19783/2003 and by order dated 7.11.2003 the Special Leave Petition came to be dismissed. However, the petitioners were granted time to vacate and deliver the vacant possession of the premises in

question to the respondent No.7 on or before 15.12.2003.

2. The learned counsel for the petitioner does not know exactly as to when the premises were delivered to the respondent No.7. The undertaking noted by this Court in its order dated 24.9.2003 was to the effect to allot to the eligible slum dwellers alternative accommodation in the new building within eight months from the date of the removal of the hutments. Thus, the date of removal of the hutments is the material date so as to find out whether the respondents were guilty of wilful disobedience of the order passed by this Court and also the limitation period with reference to the date of filing of this contempt petition i.e. 4.4.2005. The date of removal of the hutments has not been mentioned nor the learned counsel is aware of the date.

3. In the result, there is no prima facie case made out to take cognizance of this contempt petition alleging the contempt of Court within the meaning of Section 2(b) of the Contempt of Courts Act, 1971 and the same is hereby rejected summarily.

4. Certified copy is expedited.

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